

DEC 14 2020

RECEIVED WISCONSIN SUPREME COURT

DISTRICT 4

CLERK OF SUPREME COURT 10 EAST MAIN STREET SUITE 215  
OF WISCONSIN MADISON, WISCONSIN 53701-1688

INGRAM V. WIRTZ

CASE #

PETITION FOR ORIGINAL ACTION

PURSUANT TO s. 809.70 / MISCONDUCT COMPLAINT AGAINST A JUDGE

IN THE STATE OF WISCONSIN, CIRCUIT COURT CASE 18SC3091  
INGRAM V. D'IMPERIO, FOND DU LAC COUNTY, JUDGE ROBERT WIRTZ  
JUDICIAL MISCONDUCT EMPLOYED.

ON ABOUT NOVEMBER OF 2018 DARNELL INGRAM COMMENCED  
A SMALL CLAIM ACTION AGAINST JEAN D'IMPERIO, THE FOSTER  
MOM (OF MR. INGRAM), 2 YOUNG CHILDREN, FOR FRAUDULANT RE-  
PORTING TO D.I. P.O. CAUSING MR. INGRAM TO BE DEPRIVED OF LIBERTY.  
ACTS OF JUDICIAL MISCONDUCT

- (1) JUDGE DID NOT ORDER MEDIATION
- (2) JUDGE SCHEDULED TRIAL LESS THAN 30 DAYS FROM INITIAL APPEARANCE
- (3) JUDGE DID NOT ALLOW PLAINTIFF D.I. TO CROSS EXAMINE DEFENDANT
- (4) JUDGE ALLOWED DEFENDANT TO APPEAR AT TRIAL VIA TELEPHONE ON SHORT IMPROPER NOTICE
- (5) JUDGE DID NOT ALLOW PLAINTIFF D.I. TIME TO MOTION FOR JURY TRIAL
- (6) JUDGE DID NOT ALLOW PLAINTIFF D.I. TO OBTAIN EVIDENCE

ABOUT 9-28-2020 PLAINTIFF D.I. FILED A REQUEST FOR INVESTIGATION  
WITH WISCONSIN JUDICIAL COMMISSION FOR JUDICIAL MISCONDUCT  
ALL SUPPORTING DOCUMENTS WAS MADE AVAILABLE TO AND CAN BE OB-  
TAIN FROM WISCONSIN JUDICIAL COMMISSION

PLAINTIFF D.I. ASK THE COURT TO VOID OR VACATE JUDGMENT  
OF CIRCUIT COURT CASE 18SC3091, INGRAM V. D'IMPERIO FDL. CO., WISCONSIN  
PLAINTIFF ALSO ASK THE COURT TO ORDER STATUTORY AND OR PUNI-  
TIVE DAMAGES IN THE MONETARY AMOUNT WHICH COURT DEEM JUST,  
COURT MAY ORDER ANY OTHER JUDGMENT, DEEM JUST PER. 895.043 WIS. STAT.

RESPECTFULLY

*Darnell Ingram*  
DARNELL INGRAM  
63 WESTERN AVE.  
FOND DU LAC, WI. 54935  
12-7-2020

CC: ALL PARTIES

STATE OF WISCONSIN

SUPREME COURT

DISTRICT 4

DARNELL INGRAM

V.

CASE NO. \_\_\_\_\_

ROBERT J. WIRTZ, JUDGE

**JUDICIAL MISCONDUCT COMPLAINT**

NEGLECT OF CHAPTER 799 OF WIS. STAT. SMALL CLAIMS

NEGLECT OF CHAPTER SCR 60, CODE OF JUDICIAL CONDUCT

NEGLECT OF DUE PROCESS AND OR EQUAL PROTECTION OF LAW

IN THE SMALL CLAIM CASE: INGRAM V. D'IMPERIO, 18SC3091  
 JUDGE ROBERT J. WIRTZ ACTS OF MISCONDUCT IS AS FOLLOW.

ON 1-7-2019, BEFORE THE HON. ROBERT J. WIRTZ, CIRCUIT COURT  
 JUDGE, BRANCH 5, FOND DU LAC COUNTY, WISCONSIN, DURING  
 A MOTION HEARING, JUDGE STATED "IF YOU D'IMPERIO DISAGREE  
 WITH THE COMPLAINT, THEN I'LL ORDER THAT YOU GO TO MEDIATION."  
 "BOTH SIDES ARE REQUIRED TO GO THROUGH MEDIATION ON A DISPUTED CASE"  
 THIS ACT OF ORDER IS MANDATED BY COURT RULE S 799 OF WIS. STAT.  
 SMALL CLAIM PROCEEDING.

JUDGE LATER STATED "I UNDERSTAND THAT YOU (DEFENDANT) DIS-  
 PUTTE IT." "THIS MATTER WILL BE PUT ON THE COURT CALENDAR FOR A  
 TRIAL." JUDGE DID NOT ORDER MEDIATION AS HE CLAIM HE WOULD  
 AND AS COURT RULE MANDATE VIA ALL SMALL CLAIMS DISPUTED CASES.  
 TRIAL SET FOR 1-31-2019 @ 11:30AM WITHOUT CONSENT OF ALL PARTIES PER. S  
 S 799.21 TRIAL(2) MANDATES, FILED 18 2019, S 802.10 NEGLECTED  
 THE BETTING OF TRIAL OF LESS THEN 30 DAYS FROM HEARING TO RE-  
 OPEN CASE DID NOT ALLOW ENOUGH TIME TO PETITION THE COURT  
 FOR A JURY TRIAL. CHAPTER 799 OF WIS. STAT., TRIAL BY JURY IS PER-  
 TO BE REQUESTED WITHIN 30 DAYS, PER. S 799.21(3), 802.10 NEGLECTED

ON 1-10-2019 DEFENDANT'S LETTER DATED THIS DAY REQUESTING TO  
 APPEAR BY TELEPHONE AND FOR HER REASONS OF "MR. INGRAM IS WASTING  
 THE COURTS TIME," "AS WELL AS MINE" "BECAUSE OF HIS LACK OF RESPECT," "I DO NOT  
 WISH TO WASTE MY TIME FOR THIS FRIVOLOUS LAWSUIT," DEFENDANT, MS. D'IMPERIO  
 CONTINUED TO STATE IN HER LETTER TO THE COURT, "AT THIS TIME I WOULD LIKE TO  
 REQUEST THAT I BE ALLOWED TO PARTICIPATE IN THE HEARING BY TELEPHONE."  
 JUDGE WIRTZ GRANTED MS D'IMPERIO TO APPEAR BY TELEPHONE BASED  
 ON THIS LETTER AND THESE REASONS. THIS ACT IS NOT IN COMPLIANCE  
 TO S 807.13 TELEPHONE & AUDIOVISUAL PROCEEDINGS (1) ORAL ARGUMENTS,  
 THE APPLICABLE STATUTES OR RULE PERMIT, IF THE PARTIES SO STIPULATE OR THE  
 PROPONENT SHOW GOOD CAUSE TO THE COURT. ALSO THE COURT WAS TO  
 BUT DID NOT CONSIDER S 807.13 APPROPRIATE CONSIDERATION (1) UNDUCE SURPRISE  
 OR PREJUDICE WOULD RESULT, OR (3) THE IMPORTANCE OF PRESENTING THE TESTI-  
 MONY OF WITNESS IN OPEN-COURT, WHERE THE FINDER OF FACT MAY OBSERVE  
 (DEFENDANT, MS D'IMPERIO IS A RESIDENCE OF FOND DU LAC.)

THE Demeanor OF THE WITNESS AND WHERE THE SOLEMNITY OF THE SURROUNDINGS WILL IMPRESS UPON THE WITNESS THE DUTY TO TESTIFY TRUTHFULLY.

NOTE: A NEW TRIAL WILL SHOW MS. D'IMPERIO LIED UNDER OATH VIA TELEPHONE PLEEDINGS, VIA MATERIAL EVIDENCE IN WHICH MR. INGRAM NOW POSSES.

DATED ON 1-22-2019, 1-17-2019 & 12-22-2018 MR. INGRAM LETTERS, MOTION, FOR RESCHEDULE FOR VARIOUS REASONS OF EMERGENCY OF HOUSING AND CLOTHING, DUE TO BEING RELEASE FROM A JAILED P.O. SANCTION, MOTION TO APPEAR, DISAGREEMENT TO TELEPHONE PROCEEDINGS, RESCHEDULE FOR REASON TO ORDER MS. D'IMPERIO TO APPEAR IN PERSON TO ASSURE HONESTY PER § 07.13(5) WIS. STAT, ALSO ASKED COURT TO RESCHEDULE TO ALLOW MR. INGRAM TO GET MATERIAL EVIDENCE FROM P.O. IN PERSON DUE TO AGENT NOT MAILING EVIDENCE. PER. 799.27(2)(3). THE DUTY TO HEAR ALL PROCEEDINGS FAIRLY AND WITH PATIENCE. PER. SCR 60.04, JUDGE'S DUTY, NEGLECTED

JUDGE WIRTZ REPLY TO MR. INGRAM'S LETTERS, MOTIONS DATED FOR RE-SCHEDULE. JUDGE STATES, "YOU DID SEND ME LETTERS ASKING FOR THE MATTER TO BE RESCHEDULED," "THE PROBLEM IS THAT WAS SO CLOSE IN TIME TO WHEN THE COURT COULD SET A HEARING TO ADDRESS MATTERS, THAT I WASN'T ABLE TO ADDRESS IT." JUDGE WIRTZ CONTINUE TO SAY "WELL, I'M GOING TO LEAVE IT ON AS IS BECAUSE I DON'T THINK THIS CASE IS GOING TO TAKE THAT LONG." "WE WILL BE ABLE TO SEND YOU ON YOUR WAY TO ADDRESS THOSE THINGS." <sup>EVIDENCE SHOW JUDGE HAD TIME TO RESCHEDULE</sup> TRIAL OVER IN 20 MINS. <sup>SUPPORTED BY COURT TRIAL TRANSCRIPT.</sup>

ON 1-31-2019 COURT TRIAL HEARING, JUDGE WIRTZ STATES, "THERE ARE WHERE A ~~BE~~ MULTITUDE OF LETTERS FROM MR. INGRAM ADDRESSING A NUMBER OF SUBJECTS WHICH I WANT TO ADDRESS," JUDGE CONTINUE TO SAY, "ONE HAS TO DO WITH PUTTING THIS MATTER OFF, RESETTING IT." "ONE ASKS TO HAVE MS. D'IMPERIO BE HERE IN PERSON," "I SENT, WHAT ARE CALLED EX-PARTE LETTERS BACK TO MR. INGRAM, INDICATING HE DIDN'T SEND COPIES,"

THESE LETTERS WAS "NOT" EX-PARTE. LETTERS ARE ENCLOSED. ALSO MS. D'IMPERIO HAS A COURT ORDERED PRIVACY STATUS OF HER ADDRESS SO THAT MR. INGRAM CAN NOT SEND MAIL TO HER OR HIS CHILDREN IN HER CARE. (JUST SO THE COURTS KNOW MR. INGRAM HAS A CIRCUIT COURT ORDER TO HAVE CONTACT WITH HIS CHILDREN)

THEREFORE IT'S THE COURT WHO MAINTAIN THE RESPONSIBILITY OF SENDING COPIES OR ARRANGING FOR PICK-UP / DELIVERIES OF ALL DOCUMENTS CONCERNING THE SMALL CLAIM CASE 18SC3091, INGRAM V. D'IMPERIO. SUPPORTING DOCUMENTS ENCLOSED.

NOTE: ALL WRITTEN STATEMENTS WITH "QUATATION" MARKS ARE COPIED FROM COURT TRIAL TRANSCRIPTS, ADMISSIBLE EVIDENCE

ON 1-31-2019 COURT TRIAL JUDGE WIRTZ CROSS EXAMINE BOTH PARTIES HIMSELF, NOT ALLOWING MR. INGRAM TO QUESTION / CROSS EXAMINE DEFENDANT, D'IMPERIO. EVIDENT BY COURT TRANSCRIPT

THE PRACTICE OF JUDICIAL INTERROGATION IS A DANGEROUS ONE, PRIOR TO COMPLETION OF THE PRESENTATION OF EVIDENCE. STATE V. CARPRUE 2004

A TRIAL JUDGE'S ELICITATION OF TRIAL TESTIMONY IS IMPROPER IF THE CUMULATIVE EFFECT OF THE JUDGE'S QUESTIONING AND DIRECTION OF THE COURSE OF THE TRIAL HAS A SUBSTANTIAL-PREJUDICIAL EFFECT. SCHULTZ V. STATE 1978 JUDGMENT GRANT WITHIN 20 MINUTES OF THIS TRIAL! - SEE COURT TRANSCRIPT

ON 1-31-2019 JUDGE WIRTZ GRANTED JUDGMENT IN FAVOR OF MS. D'IMPERIO, EVEN AGREEMENT WITH MS. D'IMPERIO'S TESTIMONY TO BE TRUE. NEW EVIDENCE SHOW MS. D'IMPERIO UNDER OATH TESTIMONY IS FRAUDULANT/PERJURY.

OUR LEGAL SYSTEM IS BASED ON THE PRINCIPLE THAT AN INDEPENDENTLY FAIR AND COMPETENT JUDICIARY WILL INTERPRET AND APPLY THE LAWS THAT GOVERN US. PER SCR 60 PREAMBLE (IN PART)

A JUDGE SHALL AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY IN ALL OF THE JUDGE'S ACTIVITIES. PER SCR 60.03

A JUDGE SHALL PERFORM THE DUTIES OF JUDICIAL OFFICE IMPARTIALLY AND DILIGENTLY. PER SCR 60.04

A JUDGE SHALL RESPECT AND COMPLY WITH THE LAW AND SHALL ACT AT ALL TIMES IN A MANNER THAT PROMOTES PUBLIC CONFIDENCE IN THE INTEGRITY AND ~~AND~~ OF THE JUDICIARY. PER SCR 60.03

ACTUAL IMPROPRIETIES UNDER THIS STANDARD INCLUDE VIOLATION OF LAW, COURT RULES OR OTHER SPECIFIC PROVISION OF THIS CHAPTER SCR 60 - CODE OF JUDICIAL CONDUCT

ALL PERSONS BORN OR NATURALIZED IN THE U.S. AND SUBJECT TO THE JURISDICTION THEREOF, ARE CITIZENS OF THE U.S. AND OF THE STATE WHERE IN THEY RESIDE. NO STATE, PERSON OR JUDGE SHALL MAKE OR ENFORCE ANY LAWS WHICH SHALL ABRIDGE THE PRIVILEGES OR IMMUNITIES OF CITIZENS OF THE U.S. NOR SHALL ANY STATE PERSON OR JUDGE DEPRIVE ANY PERSON OF LIFE, LIBERTY, OR PROPERTY (LAW) WITHOUT DUE PROCESS OF LAW, NOR DENY TO ANY PERSON WITHIN IT'S JURISDICTION THE EQUAL PROTECTION OF LAW. - 14<sup>TH</sup> AMEND. U.S. CONSTITUTION. ALL NEGLECTED BY JUDGE, GRANTING JUDGMENT IN FAVOR OF MS. D'IMPERIO, IMPROPERLY.

THEREFORE, PLAINTIFF D. I. ASK THE COURT TO VOID OR VACATE JUDGEMENT OF CIRCUIT COURT CASE 18SC3091 INGRAM V. D'IMPERIO FDL.CO. WISCONSIN BEFORE HON. ROBERT J. WIRTZ FOR HIS ACTS OF MISCONDUCT. PLAINTIFF D. I. ALSO ASK THE COURT TO ORDER STATUTORY AND PUNITIVE PENALTIES/DAMAGES IN MONETARY AMOUNT ALLOW BY LAW. - PLAINTIFF ASK THE COURT TO GRANT ANY OTHER ORDERS COURT DEEM APPROPRIATE. PLAINTIFF D.I. ASKING \$150,000.00 PUNITIVE DAMAGES/PENALTIES, PURSUANT TO s 895.043(3) & (6)

RESPECTFULLY

*Darnell Ingram*  
DARNELL INGRAM

63 WESTERN AVE,  
FOND DU LAC, WI. 54935

CC: ALL PARTIES

12-7-2020

COPY OF COURT TRIAL TRANSCRIPT WILL BE PROVIDED VIA DISCOVERY REQUEST OR VIA ANY OTHER LATER REQUEST



**RECEIVED**

DEC 14 2020

CLERK OF SUPREME COURT  
OF WISCONSIN

Case 18-SC-3091  
**FILED**

1-22-19

JAN 24 2019

RAMONA M. GEBB  
FOURTH JUDICIAL CIRCUIT  
CLERK OF CIRCUIT COURT

Greetings, Judge  
Clerk of Court

I Darnell Ingram plaintiff request a reschedule date for the hearing dated 1-31-19 @ 1:30 PM for reasons of...

- 1-31-19 is my release date @ 8 AM.
- I've Lost my employment and apartment due to a 90 day sanction without huber privileges!
- I need to go after emergency assistance for housing and employment
- I also need to find my personal property which was removed from my apartment while in jail.
- I will be released without a winter coat, boots, hat & glove as well as summer shoes! The things I had on when I got arrested as 11-3-18 was the last warm day of the year
- Therefore your honor due to emergency situation, I ask the court to reschedule hearing and I ask for in person court appearance order for all parties.

Respectfully

Darnell Ingram, Inmate

cc: Court

Defendant Jean D.  
Plaintiff D. Ingram

e-mail: darnellingram@usa.com

50 N. Portland, POC. WI. 54935 mail only

773-710-9686 message only

PLEASE SENT COPY TO ALL PARTIES

DENIED. Will see both parties on 1/31/19. RTW cci both parties

JUDGE ANSWERED, INDICATING BOTH PARTIES WOULD BE SEEN IN COURT, ALSO NOTED THIS LETTER IS EX PARTE COMMUNICATION. LETTER CCI TO ALL PARTIES, INDICATING NOT EX PARTE! lol

**CIRCUIT COURT  
BRANCH V**  
*Judge Robert J. Wirtz*

KATHRYN A. HORN, RMR, CRR  
COURT REPORTER

FOND DU LAC COUNTY  
SECOND FLOOR  
CITY-COUNTY GOVERNMENT CENTER  
160 S. MACY STREET  
FOND DU LAC, WISCONSIN 54935

CHRIS A. BATES, JUDICIAL ASSISTANT  
TELEPHONE 920-929-7053

*Hub 2*

TO: Darnell Ingram, 18SC3091

RE: Your paperwork received

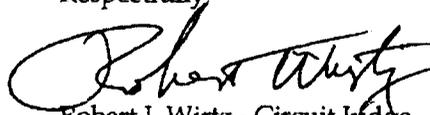
You have sent an *ex parte* letter to the court. A communication is *ex parte* if the other parties or attorneys involved in the matter do not receive a copy of the communication, too. The Code of Judicial Ethics prohibits a judge from considering *ex parte* communications. The purpose of this rule is to make sure that each side knows what the judge is receiving and has a chance to respond. I am sure you can understand that you would not want the "other side" in the case to write, call or talk to the judge and tell the judge about their side of the case **without you even knowing about it**. For that reason, all *ex parte* communications are prohibited. If you want the court to consider your letter, you must do the following:

- Send the original to the court (which you have done) and a copy to all parties or attorneys in the case; and,
- Indicate in your original communication the names of all the people to whom copies were sent.

I cannot give legal advice. You should consult with an attorney.

I have sent your paperwork to the parties noted below. Any future correspondence needs to comply with the above procedure.

Respectfully,

  
Robert J. Wirtz - Circuit Judge

original: Court File

*AGAIN NO DATE, SCANNED DATE INDICATE LETTER TO RESCHEDULE, NOT EX-PARTE COMMUNICATION*

DEC 26 2018

RAMONA M. GEIB  
FOND DU LAC COUNTY, WIS.  
Clerk Of Circuit Court

12-22-18

Case 18SC3091

Honorable R. Wirtz, Judge

Greetings

I Darnell Ingram, plaintiff, inmate on a P.O. sanction would like to reschedule/postpone hearing date, dated 12-27-18 for reason...

• Supporting document/evidence I've requested from probation and parole supervisor Eric Grass has not been delivered to me, written request dated 12-4-18!

• Postponement/reschedule of a date after 1-31-19 will allow me to go to office (P.O.) and pick up copy of evidence to support my claim, as I'm schedule for release on 1-31-19 @ 8AM.

• To ask court to subpoena Agent Hilda U. as witness to claim.

If court deem appropriate

Please reschedule for a date after 1-31-19 if court deem appropriate.

Respectfully

Darnell Ingram, plaintiff  
*Dalbey*

cc: Judge Wirtz  
Clerk of Courts

I ask that copy be sent to defendant

Darnell Ingram  
**DENIED ROW** 12/26/18  
cel A

Court's response forwarded this 26th day of December, 2019. cab

NOTE: JUDGE HAS NOT SCHEDULE TRIAL AT THIS TIME, JUDGE KNEW I DID NOT OBTAIN MY WRITEN REQUESTED MATERIAL EVIDENCE FROM PROBATION AND PAROLE. JUDGE ALSO KNEW I WAS BEING RELEASED ON 1-31-19, JUDGE INTENTIONAL SCHEDULED COURT TRIAL FULLY AWARE IT WAS (NOT GOING TO BE A FAIR TRIAL!)



**Fond du Lac County Sheriff's Office, PO Box 1273, Fond du Lac WI 54936-1273  
(920) 929-3375 – [www.fdlsheriff.com](http://www.fdlsheriff.com)**

STATE OF WISCONSIN

CERTIFICATE OF SERVICE

COUNTY OF FOND DU LAC

Case Number: 18-SC-3091

I hereby certify that on December 3, 2018 at 01:05 PM at Fond du Lac County Sheriff's Office, Fond du Lac, WI, County of Fond du Lac, I duly served the Summons & Complaint on Jean Schad D'Imperio by then and there delivering to and leaving with Jean Schad D'Imperio (Self) personally and I endorsed with my name, official title and date of service thereon.

Comments:

**FILED**  
DEC 05 2018  
RAMONA M. GEIB  
FOND DU LAC COUNTY, WIS.  
Clerk Of Circuit Court

Dated: December 4, 2018

Mylan C. Fink, Jr.  
Fond du Lac County Sheriff

Per: Cheri Arthes  
Cheri Arthes #214  
Deputy Sheriff, Fond du Lac County



STATE OF WISCONSIN

CIRCUIT COURT

FOND DU LAC COUNTY

DARNELL INGRAM,  
Plaintiff-Appellant

VS

**FILED**

**NOTICE OF COMPILATION  
OF RECORD**

FEB 25 2019

Circuit Court Case No: 2018SC003091

RAMONA M. GEIB  
FOND DU LAC COUNTY, WIS.  
Clerk Of Circuit Court

Appeal No: 2019AP000321

JEAN SHAD D'IMPERIO,  
Defendant-Respondent

TO:

JEAN SHAD D'IMPERIO  
PRIVACY PROTECTED

DARNELL INGRAM  
499 HIGH AVENUE  
OSHKOSH WI 54901

Notice is hereby given that the appeal record for the above-entitled case has been assembled and is available for inspection. A list of papers constituting the record is attached. The record will be forwarded to the clerk of the Court of Appeals on MARCH 7, 2019 per Wis. Stats. §809.15 (2) and (4).

DATE: FEBRUARY 25, 2019

*Deanne L. Witz*  
 Deanne L. Witz, Auxiliary Clerk  
 Fond du Lac County, Clerk of Courts  
 169 S. Macy Street  
 Fond du Lac, WI 54935  
 920-929-3773



COMMUNICATION FORM

Inmate Name: Dannell Ingram Section/Dorm/Bed #: H2-24  
D.O.B.: 5-22-66 Please Print Date: 11-19-18 Time: 5:30 P

Check One: Request: X Complaint/Concern: X

\*\*\* THIS FORM IS NOT TO BE USED TO REQUEST TO SEE THE NURSE/DOCTOR

Narrative: Court Clerk, I've tried to get the defendant's address and social services refuse to give it to me, HOWEVER the defendant's address is in court records due to my kids Chips case which is public record. The defendant is the foster Mom on Chips case. DO to my P.O. hold I have NO OTHER WAY of getting it over

Staff Member Receiving Request (Office Use Only)  
Staff Member: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Staff Member Responding to Request  
Staff Member: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Disposition: Request for Clerk to provide information - DENIED  
RTU  
cc: Defendant  
Plaintiff

JUDGE WIRTZ DENIED ME THE PLAINTIFF'S ADDRESS TO SEND PAPERS, ANY COPIES OF COURT DOCUMENTS. THEREFORE THE COURT HAS ALWAYS SENT ALL DOCUMENT CONTAINING TO CASE 18SC3091

SO ANY LETTERS, MOTIONS, CORRESPONDANCE, COMMUNICATION ETC THIS Judge Deemed EX-parte is NOT EX-parte

01-09-17

**RECEIVED**

DEC 15 2020

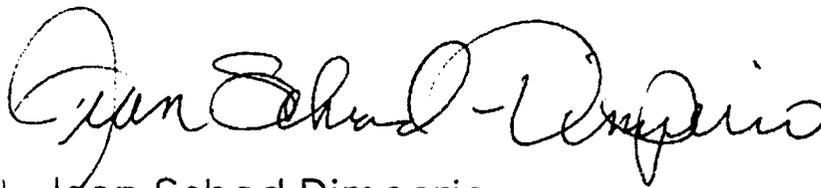
CLERK OF SUPREME COURT  
OF WISCONSIN

Honorable Robert J Wirtz

I am writing in regards to the small claims case 18-SC-3091 that is scheduled for a hearing on January 31, 2019 at 1:30 PM before the Honorable Robert J Wirtz.

I again would like to point out to the court Mr. Ingram is wasting the courts time as well as mine because of his interpretation of the law and lack of respect.

At this time I would like to request that I be allowed to participate in the hearing by telephone. I have lost a lot of time from work because of having to come to court and to the sheriffs office for the paperwork. I do not wish to waste anymore of my time or my money for this frivolous lawsuit. I would like the court to understand that I am needed at my job I cannot continue to take time off.



Jean Schad Dimperio

cc: Fond du Lac County Small Claims

Darnell Ingram

**FILED**

JAN 10 2019

RAMONA M. GEBB  
FOND DU LAC COUNTY, WIS.  
Clerk of Circuit Court

NOTE: MR. INGRAM DID NOT RECIEVE THIS  
NOTICE IN JAIL MAIL (IN-HOUSE) UNTIL  
1-15-2019



Case 2018SC003091

Document 26

Scanned 01-16-2019

Page

of 2 15-2019

FILED

JAN 16 2019

CASE 18SC3091

HAYONA M. GEIB  
FOND DU LAC COUNTY, WIS.  
Clerk Of Circuit Court

HONORABLE WIRTZ, JUDGE

Greetings

I Darnell Ingram, plaintiff DO NOT AGREE to telephense or any audio visual proceedings as requested by defendant Mrs. D'Imperio for reasons . . . . .

- The important of presenting the testimony of witness (s) in open court, where the finder of fact may observe the demeanor of the witness, and where the solemnity of the surroundings will impress upon the witness the duty to testify truthfully.
- Telephone procedure will not allow full effective cross examination, especially where availability to counsel of documents and exhibits available to the witness would affect such cross-examination.
- poor quality of communication via telephone
- Mrs. Jean Schad D'Imperio need to know and understand the seriousness of the claim against her.

Therefore I ask the court to enforce the "MUST APPEAR" order as originally documented.

Respect fully  
Darnell Ingram, I make  
*[Signature]*

cc: FDL Clerk of Court  
Judge Wirtz  
Plaintiff  
Defendant

NOTE: NOT AN EX-PARTE COMMUNICATION AS JUDGE STATED IN COURT DOING TRIAL, AND VIA NEXT PAGE



**CIRCUIT COURT**  
**BRANCH V**  
*Judge Robert J. Wirtz*

KATHRYN A. HORN, RMR, CRR  
 COURT REPORTER

FOND DU LAC COUNTY  
 SECOND FLOOR  
 CITY-COUNTY GOVERNMENT CENTER  
 160 S. MACY STREET  
 FOND DU LAC, WISCONSIN 54935

CHRIS A. BATES, JUDICIAL ASSISTANT  
 TELEPHONE 920-929-7053

January 16, 2019

TO: Darnell Ingram Fond du Lac County Jail

RE: Your paperwork received January 15, 2019

**You have sent an *ex parte* letter to the court.** A communication is *ex parte* if the other parties or attorneys involved in the matter do not receive a copy of the communication, too. The Code of Judicial Ethics prohibits a judge from considering *ex parte* communications. The purpose of this rule is to make sure that each side knows what the judge is receiving and has a chance to respond. I am sure you can understand that you would not want the "other side" in the case to write, call or talk to the judge and tell the judge about their side of the case **without you even knowing about it.** For that reason, all *ex parte* communications are prohibited. If you want the court to consider your letter, you must do the following:

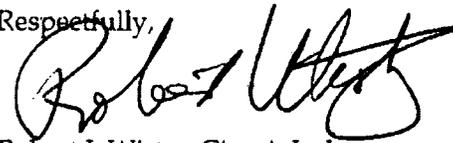
- Send the original to the court (which you have done) and a copy to all parties or attorneys in the case; and,

- Indicate in your original communication the names of all the people to whom copies were sent.

I cannot give legal advice. You should consult with an attorney.

I have sent your paperwork to the parties noted below. Any future correspondence needs to comply with the above procedure.

Respectfully,



Robert J. Wirtz - Circuit Judge

original: Court File 2018SC3091  
 xc w/copy: Jean Shad D. Imperio

JUDGE APPEAR TO DECIEVE PLAINTIFF

LETTER DATED 1-15-19 IS CC: TO ALL PARTIES, THEREFORE MAKING COMMUNICATION LEGAL, CORRECT & NOT EX-PARTE COMMUNICATION

JUDGE STATED THIS ON RECORD, APPEARING TO DECIEVE THE COURT



Rec'd  
Page 1 of 7-18-2019  
COC

**FILED**

JAN 17 2019

1-17-19

Case 18 SC 3091

RAMON GEBB  
CLERK OF CIRCUIT COURT  
FRONT DU LAC COUNTY, WIS.

Honorable Wirtz

Greetings

On 1-15-19, I received the defendant's request on 1-15-19, filed 1-10-19, to proceed with scheduled hearing via telephone 1-31-19.

I understand that all parties are to agree to requested proceedings, and I DO NOT AGREE.

I would prefer the proceedings to take place in the courtroom to assure an environment of seriousness and truth,

To assure NO poor / interrupted communication that would occur via telephone communication.

There is no emergency reasons indicated that would impose a injurious risk by attending courtroom proceeding in person.

It's clear Mrs. D'Imperio is disagreeing to the claim and if court deem appropriate, I plaintiff D.I. ask the court to schedule or reschedule a trial date to accommodate the assurance of Mrs. D'Imperio's court appearance which is necessary and important for the plaintiff's cross-examination to assure truthful demeanor of the defendant.

May the court send copy to all parties

Respectfully

Darnell Ingram, Tomate

e-mail darnellingram@usa.com

mailing address after 1-31-19 is 50 N. Portland, FDL, WI. 54935

NOTE: 1-31-19 is my release day, due to this 90 day sanction without huber I've lost my housing and need to find a place to live, therefore I ask court to reschedule hearing or set a trial date!

CC: Clerk of Court sm.claim

Judge, Wirtz  
Defendant, D'Imperio  
Plaintiff, Ingram



State of Wisconsin, Circuit Court, Fond du Lac County

Darnell Ingram

V.

Jean Schad Dimperio

Case 18SC3091

**FILED**

JAN 22 2019

REMONA M. ORS  
FOND DU LAC COUNTY, WIS.  
CLERK OF CIRCUIT COURT

MOTION TO APPEAR

I Plaintiff, Darnell Ingram come pro-se to ask the court for an order of appearance upon the defendant for reasons of:

- Telephone procedure will not allow full effective cross examination
- The important of presenting the testimony of witness in open court, where the finder of facts may observe the demeanor of the witness and where the solemnity of the surroundings will impress upon the witness the duty to testify truthfully.

Therefore, I ask the court to order a must appear order upon all parties for all proceedings.

Respectfully  
Darnell Ingram  
*[Signature]*  
1-20-19

CC: Clerk of Court  
Small CLAIMS

Plaintiff, Ingram  
Defendant, D'Imperio  
Judge

NOTE: NOT AND EX-PARTE COMMUNICATION AS JUDGE SAID IN COURT DURING TRIAL 1-31-19 AND VIA NEXT PAGE



CIRCUIT COURT  
BRANCH V  
Judge Robert J. Wirtz

KATHRYN A. HORN, RMR, CRR  
COURT REPORTER

FOND DU LAC COUNTY  
SECOND FLOOR  
CITY-COUNTY GOVERNMENT CENTER  
160 S. MACY STREET  
FOND DU LAC, WISCONSIN 54935

CHRIS A. BATES, JUDICIAL ASSISTANT  
TELEPHONE 920-429-7053

TO: Darnell Ingram, 18SC3091

RE: Your paperwork received (NO DATE) *dl*

You have sent an *ex parte* letter to the court. A communication is *ex parte* if the other parties or attorneys involved in the matter do not receive a copy of the communication, too. The Code of Judicial Ethics prohibits a judge from considering *ex parte* communications. The purpose of this rule is to make sure that each side knows what the judge is receiving and has a chance to respond. I am sure you can understand that you would not want the "other side" in the case to write, call or talk to the judge and tell the judge about their side of the case without you even knowing about it. For that reason, all *ex parte* communications are prohibited. If you want the court to consider your letter, you must do the following:

- Send the original to the court (which you have done) and a copy to all parties or attorneys in the case; and,
- Indicate in your original communication the names of all the people to whom copies were sent.

I cannot give legal advice. You should consult with an attorney.

I have sent your paperwork to the parties noted below. Any future correspondence needs to comply with the above procedure.

Respectfully,

*Robert J. Wirtz*  
Robert J. Wirtz - Circuit Judge

original: Court File

SCAN DATES INDICATE THAT THIS NOTICE WOULD BE FOR THE MOTION TO APPEAR SUBMITTED BY PLAINTIFF, Judge stated on Record MOTION TO APPEAR WAS EX-PARTE COMMUNICATION  
MOTION TO APPEAR is CC: ALL PARTIES clearly NOT EX-PARTE COMMUNICATION

